

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 20, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-21005 - APPLICANT: RADSA, INC. - OWNER: WILLIAM MIGUEL

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Beer/Wine/Cooler on-sale establishment within a restaurant at the southeast corner of Decatur Boulevard and Washington Avenue. This use will be conducted at a previously approved location which ceased operation on the subject site on February 21, 2006 following a fire. The building was closed for post fire renovations for longer than a year, necessitating a new Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/16/68	The City Council approved a rezoning to C-1 (Limited Commercial) for this site (Z-25-68).
1/12/98	The City Council rescinded an approved Rezoning (Z-45-97) on property located on the southeast corner of Washington Avenue and Decatur Boulevard including the subject site from C-1 (Limited Commercial) to PD (Planned Development), for a Commercial Shopping Center With Limited Food Processing And Manufacturing Facilities. The Rezoning was originally approved by City Council on 07/14/97.
05/17/00	The City Council approved a Special Use Permit (U-44-99) Request for on the subject site for the On-Premise Sale of Beer and Wine in conjunction with a 1,339 square foot Restaurant. The Planning Commission and staff recommended approval.
05/24/07	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #11/r1).

<i>Related Building Permits/Business Licenses</i>	
05/27/99	Business Licenses R09-00931-2-084431 for a Restaurant and L09-00166-4-000852 for Beer/wine/cooler on-sales were first issued for Botanas Sol Y Mar on the subject site. The latter is inactive, effective 12/13/06 following inoperation due to a February 2006 fire.

<i>Pre-Application Meeting</i>
A pre-application meeting was not required for this application nor was one held.

<i>Neighborhood Meeting</i>
A neighborhood meeting was not required for this application nor was one held.

Field Check	
4/17/2007	A field check was conducted to confirm the location of the suite, the suite number and the site address of the subject use.

Details of Application Request	
Site Area	
Net Acres	1.49

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC	C-1
North	Golf Course	PF	C-V
South	Auto Dealership	GC	C-2
East	Townhomes	ML	R-PD8
West	Retail	SC	C-1

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Redevelopment Area	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
Airport Overlay	X		Y
Trails			Y
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	38,855 SF	1:250 SF	149	6	239	7	Y
TOTAL (including handicap)			155		246		Y

ANALYSIS

- General

The project located at the southeast corner of Washington Avenue and Decatur Boulevard in suite G of the existing shopping center. The subject suite, is a 1,170 square-foot (approximate) restaurant with 643 square feet (approximate) serving as public dining area and 334 square feet (approximate) as kitchen prep and service area. The proposed restaurant provides seating capacity for 47 patrons, exceeding the minimum conditional requirement for a Special Use Permit. Because the applicant meets or exceeds all requirements of this Special Use, staff recommends approval of this request. The proposed establishment previously operated on the subject site until February 21, 2006 when it was damaged by a fire. The Special Use Permit is required to reopen the business following repair and renovation.

- Zoning

The subject property is zoned C-1 and located within an existing shopping center. The proposed Beer/Wine/Cooler On-Sale Establishment, with approval of a Special Use Permit, is a permissible use in the C-1 Zoning District. The proposed establishment previously operated on the subject site until February 21, 2006 when it was damaged by a fire. The Special Use Permit is required to reopen the business following repair and renovation.

- Conditions

The proposed use meets or exceeds the following minimum Special Use Permit Requirements per Title 19.04:

- (1) Except as otherwise provided in this Chapter, no beer/wine/cooler on-sale establishment (hereinafter "establishment") shall be located within 400 Feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.
- (2) Except as otherwise provided in Requirement (3) below, the distances referred to in Requirement (1) shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:

- (a) Any leasehold parcel; or
 - (b) Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement (1).
- (3) In the case of an establishment proposed to be located on a parcel of at least eighty acres in size, the minimum distances referred to in Requirement (1) shall be measured in a straight line:
 - (a) From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or
 - (b) In the case of a proposed establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.
- (4) When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Paragraph (1), the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
- (5) The minimum distance requirements in Paragraph (1) do not apply to:
 - (a) An establishment which has a non-restricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992; or
 - (b) A proposed establishment having more than fifty thousand square feet of retail floor space.
- (*6) All businesses which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future land uses as projected, as it had prior to the fire that caused the interruption of this business on the subject site in 2006.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is located within an existing commercial shopping center and is physically suitable for the type and intensity of land use proposed.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The abutting street network will be adequate for the traffic generated by the use. Access to the site is via access driveways from Decatur Boulevard, a 100-foot wide Primary Arterial, and Washington Avenue, an 80-foot wide Secondary Collector, on the Master Plan of Streets and Highways.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The subject site is located within an existing commercial shopping center that will be subject to periodic inspection by regulatory agencies for business licensing, and will therefore not compromise the public health, safety and welfare, or the overall objectives of the General Plan. The proposed use exceeds all minimum distance separation requirements of Title 19.04 for the beer/wine/cooler on-sale use. Further, this business operated on the subject site from 1999 through 2006, at which time it was destroyed in a fire. The owner of the shopping plaza and the operator of the subject use have been rebuilding and renovating the damaged site since that time and seek to resume the previous business establishment upon completion.

5. The use meets all of the applicable conditions per Title 19.04.

The proposed use is in compliance with all conditions of Title 19.04. The site is not within 400 Feet of a church, synagogue, school, child care facility licensed for more than 12 children or a city park. The subject site is a proposed restaurant with seating for 47 patrons in a C-1 zone, which is allowed with an approved Special Use Permit.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 34

SENATE DISTRICT 4

NOTICES MAILED 639 by City Clerk

APPROVALS 0

PROTESTS 0